

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER TAM and BEVERLY CHIN-TAM,

Plaintiffs,

v.

Case No. 1:25-cv-10484-DJC

JUN HAI CHEN

Defendant

**PLAINTIFF'S REQUEST FOR DEFAULT
PURSUANT TO FED.R.CIV.P. 55(a)**

TO THE CLERK OF COURT:

Pursuant to Fed. R. Civ. P. 55(a), Plaintiffs Peter Tam and Beverly Chin-Tam ("Plaintiffs"), by and through their undersigned counsel, hereby request that a default enter against Defendant Jun Hai Chen ("Defendant"), for failure to serve nor file an answer neither to the Plaintiffs' Complaint nor Amended Complaint. The procedural facts noted in this Request are verified, signed below under the penalties of perjury. As further grounds, Plaintiffs state as follows:

1. On February 28, 2025, the Plaintiffs filed their Complaint, ECF No. 1, in this action.
2. On March 6, 2025, the Defendant was served with the Summons and Complaint (with all exhibits) through a process server posting copies of the same directly on the front door of his last and usual place of abode, his residential address. *See* ECF No. 4.
3. On March 13, 2025, the Plaintiffs filed their Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(1)(A). On that same date, as reflected in its Certificate of Service, they served the same on the Defendant by USPS Priority Mail. *See* ECF No. 5.

4. Pursuant to Fed. R. Civ. P. 15(a)(3), “any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.”

5. The time period to respond to the original Complaint, pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), was 21 days from the March 6, 2025 service, or March 27, 2025.

6. The deadline under Fed. R. Civ. P. 15(a)(3) for 14 days after service of the Amended Complaint is calculated as follows. First, 14 days is added to March 13, 2025, resulting in March 27, 2025. Second, because the Amended Complaint was served by mail, pursuant to Fed. R. Civ. P. 5(b)(2)(C), then accordingly, pursuant to Fed. R. Civ. P. 6(d), “3 days are added after the period would otherwise expire,” resulting in March 30, 2025. Finally, because March 30, 2025 was a Sunday, then pursuant to Fed. R. Civ. P. 6(a)(1)(C), then the deadline is March 31, 2025, the “next day,” which is a Monday.

7. Because, pursuant to Fed. R. Civ. P. 15(a)(3), March 31, 2025 is “later” than March 27, 2025, which was the date by which response to the original pleading was required, any answer to the Amended Complaint was due to be filed and served by March 31, 2025.

8. As of the present date, April 1, 2025, the Defendants have failed to serve and file any answer to neither the original Complaint nor the Amended Complaint.

For the foregoing reasons, the Plaintiffs respectfully request that the Clerk enter a default against the Defendant.

Dated at Boston, Massachusetts this 1st day of April, 2025. Signed under the pains and penalties of perjury.

Respectfully submitted,

PLAINTIFFS

PETER TAM and BEVERLY CHIN-TAM

By their attorney,

/s/ Matthew A. Gens

Matthew A. Gens, Esq. (BBO No. 675393)

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CERTIFICATE OF SERVICE

I, Matthew A. Gens, hereby certify that on April 1, 2025, a true and correct copy of this document filed through the ECF system has been sent by USPS First-Class Mail to the Defendant, at his residential address, as follows:

Jun Hai Chen
28425 Fox Hollow Dr.
Hayward, CA 94542

/s/ Matthew A. Gens

Matthew A. Gens